

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5743 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

G.C. DAVE & ORS.

Versus

STATE OF GUJARAT & ORS.

Appearance:

MR MR ANAND for Petitioners

MR HL JANI for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 04/03/97

ORAL JUDGEMENT

1. The petitioners No.1 and 2, and petitioner No.3 since deceased, now represented by his legal heirs, are the officers of the Agricultural Department of the State of Gujarat, filed this Special Civil Application and challenge has been made by them to the order annexure 'F' (colly) under which they were ordered to be reverted from the post of Agricultural Officers, Gujarat Agricultural Service, Class II, to the lower post of Agricultural

Supervisors.

2. One of the contentions raised by the learned counsel for the petitioners is that this order of reversion has been made without giving an opportunity of hearing to the petitioners.

3. The counsel for the respondents fairly conceded that before passing the order of reversion of the petitioners, the respondents have not given any notice or opportunity of hearing to them.

4. The counsel for the petitioners submitted that the petitioners were ordered to be reverted from the higher post to the lower post after they have worked on the higher post for about more than six years. The promotion of the petitioners have been made in the month of October, 1979 and the order of reversion is dated 24th September, 1986. So they were reverted after about more than six years. This order of reversion has also been stayed by this court in this Special Civil Application. The petitioners No.1 and 2 have also retired from the services after attaining the age of superannuation, and the petitioner No.3 has died. The order of reversion will affect the civil rights of the petitioners, and as such, though it may not be by way of penalty, but they should have been given a reasonable opportunity of hearing before passing of the said order.

5. Taking into consideration the totality of the facts of this case, the order of reversion, annexure 'F' (colly) dated 24th September, 1986, cannot be allowed to stand. Order accordingly.

6. This Special Civil Application is allowed and the order dated 24th September, 1986, annexure 'F' (colly) is quashed and set aside. Rule is made absolute in the aforesaid terms with no order as to costs.

zgs/-